

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**JOAN FAULK OWENS and
KAREN LYNN HUBBARD,**

Plaintiffs,

V.

2:07-cv-650

**STATE OF ALABAMA DEPT. OF
MENTAL HEALTH AND MENTAL
RETARDATION, *et al.*,**

Defendants.

DEFENDANTS' NOTICE TO COURT

COME NOW Defendants Otha Dillihay, John Houston, Marilyn Benson, Henry Ervin, and the Alabama Department of Mental Health and provide notice to the Court that Footnote 3 contained on page 6 of Defendants' Reply to Plaintiffs' Response to Defendants' Motion to Substitute is inaccurate and that the entirety of Footnote 3 should not be considered by the Court. Defendants apologize for any confusion or inconvenience this may have caused.

/s/H.E. Nix, Jr.
H.E. NIX, JR. (NIX007)
Counsel for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing instrument has been served (a) through the Court's e-filing system; (b) by placing a copy of same in the United States Mail, postage prepaid and properly addressed; and/or (c) by e-mail to

J. Flynn Mozingo <i>Melton, Espy & Williams, P.C.</i> P. O. Drawer 5130 Montgomery, AL 36103-5130	Courtney W. Tarver Deputy Atty. General and Gen. Counsel Bureau of Legal Services Dept. of Mental Health and Mental Retardation RSA Union Building 100 N. Union Street Montgomery, AL 36130-1410
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on this the 25th day of August, 2008.

/s/H.E. Nix, Jr.

OF COUNSEL